

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOSHUA AARON TROXELL,

Plaintiff,

versus

MARK DAVIS,

Defendant.

CIVIL ACTION NO. 1:20-CV-9

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Joshua Aaron Troxell, proceeding *pro se*, filed the above-styled lawsuit against Mark Davis. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge regarding this case. The magistrate judge recommends dismissing this case for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

Plaintiff states that after a correctional officer transferred him to another section of the Hardin County Jail, he was punched in the face by an inmate who also stole his property. The magistrate judge concluded this case should be dismissed because plaintiff failed to allege the defendant participated in the alleged misconduct or implemented a policy which resulted in the misconduct.

In his objections, plaintiff states he was intentionally placed in a cell with disruptive inmates. He states the officer who placed him in the cell knew something would happen.

However, plaintiff again fails to allege that the defendant, the sheriff, either participated in the misconduct or established a policy which resulted in the misconduct. Based on the authorities cited by the magistrate judge, plaintiff has therefore failed to state a claim upon which relief may be granted.

ORDER

Accordingly, the objections filed by plaintiff in this matter are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 3rd day of June, 2022.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE